

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

48,877 bags, more or less, of kratom powder in 30 gram,
100 gram, and 250 gram configurations labeled in part:
“Earth Kratom . . . Supplement Facts . . . Distributed by
Fire Wholesale”

6,681 bags, more or less, of kratom capsules in 30 count,
65 count, 100 count, 150 count, and 300 count
configurations, labeled in part: “Earth Kratom . . .
Supplement Facts . . . Distributed by Fire Wholesale”

17,772 kilograms, more or less, of bulk kratom powder in
1 kilogram, 5 kilogram, 10 kilogram, 20 kilogram, 25
kilogram, 30 kilogram packages

836 kilograms, more or less, of bulk kratom capsules

400 bottles, more or less, of 72 and 75 count kratom
capsules, labeled in part: “Earth Kratom . . . Supplement
Facts . . . Distributed by Fire Wholesale”

and

all other quantities of the aforesaid articles of food with
any lot number and in any size or type container that are
labeled or otherwise appear to contain, or are, kratom,
located at 706 Seaboard Street, Myrtle Beach, South
Carolina or 710-B Seaboard Street, Myrtle Beach, South
Carolina.

Defendants.

Civil Action No. 4:18-cv-02981-RBH

DATE OF NOTICE: November 14, 2018

TO:

Stephen T. Snow, Esq.
Bendin Sumrall & Ladner, LLC
One Midtown Plaza
1360 Peachtree Street
Suite 800
Atlanta, GA 30309

Russell Long, Esq.
5307 North Kings Highway
Myrtle Beach, SC 29577

Yossi Gallo Galimidi
MBBR International, Inc.
706 Seaboard Street
Myrtle Beach, SC 29577

This Notice of Judicial Forfeiture Action (“Notice”) is sent to you pursuant to Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (“Supplemental Rules”).

On November 5, 2018, the United States Attorney for the District of South Carolina filed a civil Complaint in United States District Court seeking forfeiture of the above-described Defendant Articles. The Complaint alleges the Defendant Articles are subject to forfeiture to the United States pursuant 21 U.S.C. § 334 because they violate the Federal Food, Drug, and Cosmetic Act (“Act”), 21 U.S.C. §§ 301 *et seq.* A copy of the Complaint is enclosed.

Any persons who wish to contest the forfeiture of the Defendant Articles must file BOTH a Claim and an Answer. The Claim asserting an interest in the Defendant Articles must be filed not later than 35 days after the date this Notice is sent to you. In addition, an Answer to the Complaint (or a motion under Rule 12 of the Federal Rules of Civil Procedure) must be filed with the court not later than 21 days after the Claim is filed, pursuant to Supplemental Rule G(5)(b).

The Claim must meet the requirements of Supplemental Rule G(5)(a), which provides, in part, that any such Claim must:

- (A) identify the specific property claimed;
- (B) identify the Claimant, and state the claimant’s interest in the property;
- (C) be signed by the Claimant under penalty of perjury; and
- (D) be served on the government attorney, who in this case is Leesa Washington

Claims and Answers must be filed with the Clerk of the United States District Court at the address shown below”

Clerk
United States District Court
McMillan Federal Building
401 West Evans Street
Florence, South Carolina 29501

In addition, a copy of the Claim and Answer must be served upon the attorney for the Government, Carrie Fisher Sherard, at the address shown below.

United States Attorney's Office
55 Beattie Place, Suite 700
Greenville, South Carolina 29601

Respectfully submitted,

SHERRI A. LYDON
United States Attorney

By: s/ Carrie Fisher Sherard
CARRIE A. FISHER SHERARD
Assistant United States Attorney
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November 14, 2018